IN THE DRAWINGS

The drawings were objected to for failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 608.

In response to this objection, Applicant has amended a typographical error in the specification in the paragraph beginning at page 32, line 6 as recited below.

REMARKS

This responds to the Office Action mailed on June 24, 2005, and the references cited therewith.

Claims 1, 2-6, 13, 15-18, 25, 27-30, 35, 37-40 and 45-48 are amended, claims 2, 14, 26 and 36 are canceled, and claims 49-57 are added; as a result, claims 1, 3-13, 15-25, 27-35 and 37-57 are now pending in this application. The amendments to the claims and any new claims are fully supported by the specification as originally filed, and no new matter has been added.

Applicant respectfully requests further examination and reconsideration of the application, in view of the following remarks.

Abstract Objection

Applicant has reduced the Abstract of the application to a single paragraph in length not to exceed 150 words as required by the Examiner. Thus, Applicant believes that the objections to the Abstract have been overcome and should be withdrawn.

§101 Rejection of the Claims

Claims 1-48 were rejected under 35 U.S.C. § 101 because the claimed invention directed to non-statutory subject matter. Claims 1-12 and 25-34 were further rejected under 35 U.S.C. § 101 because the claimed invention directed to non-statutory subject matter

The Examiner has stated two rejections based on non-statutory subject matter. The first, a rejection of claims 1-48 states that a claimed computer-related process must either: (a) result in a physical transformation outside the computer ..., or (b) be limited to a practical application within the technological arts. The Examiner then states that the claimed invention is not limited to a practical application within the technological arts since it does not produce a concrete, tangible and useful result.

The second rejection, a rejection of claims 1-12 and 25-34, states that the claims are directed to non-statutory subject matter. The basis of this rejection is that (a) the claimed invention is in the technological arts, and (b) the invention does not produce a concrete, tangible and useful result.

Applicant respectfully submits that there is no difference between the two rejections and seeks clarification from the Examiner if a difference does, in fact, exist.

The Board of Patent Appeals recently stated that there is no judicially recognized separate "technological arts" test to determine patent eligible subject matter under Section 101. *Ex parte Carl. A. Lundgren*, Appeal No. 2003-2088, October 18, 2005. Instead, the test the Examiner must use with respect to Section 101 is whether the claim as a whole produces a useful, concrete and tangible result. It has long been established that software implementations including programs and codes embodied in a computer media are inventions that are entitled to patent protection and thus are considered patentable subject matter. (*In re Alappat*, 33 F.3d 1526 (Fed. Cir. 1994) (*en banc*)). In fact, if a claimed invention as a whole produces a useful concrete and tangible result, then the invention is patentable. (*State Street Bank & Trust v. Signature Financial Group*, 149 F.3d 1368 (Fed. Cir. 1998).

Similarly, in *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358 (Fed. Cir. 1999), the Court stated "transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces a 'useful, concrete and tangible result'."

Applicant respectfully submits that the inventions claimed in claims 1-48 do, in fact, produce a useful, concrete and tangible result. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 1-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sultan (U.S. Patent No. 6,804,657) (Sultan) in view of Mentzer et al. (Mentzer et al., Benchmarking Sales Forecasting Management, Business Horizons, May-June 1999, p. 48-56 [GOOGLE]) (Mentzer).

Concerning claims 1-12:

Applicant respectfully traverses this rejection. Applicant submits that no *prima facie* case of obviousness presently exists with respect to these claims because the cited portions of

Sultan and/or Mentzer do not disclose, teach, or suggest all of the claimed elements in the independent claim 1 as presently recited. Applicant cannot find any disclosure, teaching, or suggestion of "identifying, from a plurality of customers, a set of one or more customers associated with a particular user, wherein the step of identifying includes selecting a set of one or more customer nodes associated with the user from a plurality of customer nodes in a customer data hierarchy; selecting a set of one or more products from a plurality of products; and allowing the particular user to access forecast data for the set of one or more products for each customer from the set of one or more customers" in the cited portions of these references. The present specification explains in one example how customers can be arranged in a customer hierarchy based on geographical region (Application at page 17, lines 5-13). This hierarchal arrangement makes assigning users to customers and then determining those assignments much more efficient.

In contrast, Sultan merely discloses a permission scheme based on the relative authority of a user within an organizational hierarchy (Sultan at col.5, lines 12-31). The method to determine which customers are accessible by which users at a given level in this organizational hierarchy is apparently not disclosed.

Therefore, because Applicant cannot find all elements of claim 1 in the cited portions these references, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

For brevity, Applicant defers (but reserves the right to present) further remarks concerning any dependent claims, which are believed separately patentable in light of the related independent claim as currently presented.

Concerning claim 25-34:

As an initial note, Applicant believes that the number on page 9, line 6 erroneously read "claims 1-12 and 25-44" instead of "claims 1-12 and 25-34," where 25-34 is a related claimset and the Office Action makes reference to it on page 11, line 17. Accordingly, Applicant is responding to claims 25-35 in this section.

Applicant respectfully traverses this rejection. Applicant submits that no *prima facie* case of obviousness presently exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest all of the claimed elements in the independent claim 25 as presently recited. Applicant cannot find any disclosure, teaching, or suggestion of "identifying, from a plurality of products, a set of one or more products associated with a particular user, wherein the step of identifying includes selecting a set of one or more product nodes from a plurality of product nodes in a product data hierarchy; selecting a set of customers from a plurality of customers; and allowing the particular user to access forecast data for the set of one or more customers for each product from the set of one or more products" in the cited portions of these references.

The present specification explains in one example how products can be arranged in a product hierarchy based on product groups (Application at page 17, lines 14-17). In contrast, Applicant cannot find any disclosure of the organization of products in the cited portions of Sultan. Additionally, although the cited portions of Mentzer apparently describes a segmentation of products according to some characteristic (Mentzer at para. 32), the reference does not show that the products are organized in a "product data hierarchy" where each product is a node within such a hierarchy.

Additionally, Applicant cannot find any disclosure, teaching, or suggestion of "allowing the particular user to access forecast data for the set of one or more customers for each product from the set of one or more products" as presently recited in claim 25 in the cited portions of these references. The present specification describes in detail how the selection of customers for each product that a user is responsible for is determined (Application at page 21, lines 12-18). This type of access is apparently not disclosed in any of these references.

Therefore, because Applicant cannot find all elements of claim 25 in the cited portions these references, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

For brevity, Applicant defers (but reserves the right to present) further remarks concerning any dependent claims, which are believed separately patentable in light of the related independent claim as currently presented.

Concerning claims 13-24 and 35-48:

Applicant respectfully traverses this rejection. As discussed above and applied here, Applicant believes that these references do not disclose, teach, or suggest all of the claimed elements in independent claims 13 and 35 as presently recited.

Therefore, because Applicant cannot find all elements of claims 13 and 35 in the cited portions these references, Applicant respectfully submits that no _prima facie_ case of obviousness presently exists with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

For brevity, Applicant defers (but reserves the right to present) further remarks concerning any dependent claims, which are believed separately patentable in light of the related independent claims as currently presented.

Moreover, Applicant respectfully traverses the rejection of claims 45-48 because Applicant cannot find "a storage device containing customer hierarchy data and products hierarchy data; and a processor communicatively coupled to the storage device and being configured to process the customer hierarchy data and the products hierarchy data to control access to forecast data" as recited in claim 45 in the cited portions of these references. As discussed above, the references apparently do not disclose either a "customer hierarchy" or a "product hierarchy." Furthermore, neither reference apparently discloses, teaches, or suggests controlling access to forecast data based on the "customer hierarchy data and the products hierarchy data."

Therefore, because Applicant cannot find all elements of claim 45 in the cited portions these references, Applicant respectfully submits that no _prima facie_ case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

For brevity, Applicant defers (but reserves the right to present) further remarks concerning any dependent claims, which are believed separately patentable in light of the related independent claim as currently presented.

Moreover, Applicant respectfully traverses the rejection of claim 48 because applicant cannot find "customer data hierarchy data; products data hierarchy data; and one or more

sequences of one or more instructions which, when processed by one or more processors, cause the one or more processors to perform the steps of: identify a set of one or more customers associated with a particular user from a plurality of customers defined by the customer data hierarchy data, select a set of products from a plurality of products defined by the products data hierarchy data, and allow a user to access forecast data for the set of one or more products for each customer from the set of one or more customers" in the cited portions of these references. As Applicant discussed above, there is apparently no disclosure, teaching, or suggestion of a "customer hierarchy data," a "products hierarchy data," or any manipulation of either hierarchy to determine the access to forecast data for a given user in these references.

Therefore, because Applicant cannot find all elements of claim 48 in the cited portions these references, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

CONCLUSION

Applicant respectfully submits that the claims as amended are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
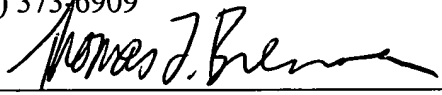
Respectfully submitted,

SARAT C. SANKARAN ET AL.

By their Representatives,

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Date ___December 20, 2005___   By _____
                                          Thomas F. Brennan
                                          Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this ___20th__ day of December, 2005.

PATRICIA A. HULTMAN
_____   _____

Name   Signature